

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTIAN ARCHAGA-REYES,

Petitioner,

v.

JACK WARNER,

Respondent.

Case No. C24-0231-JHC-SKV

ORDER DENYING MOTIONS FOR
APPOINTMENT OF COUNSEL

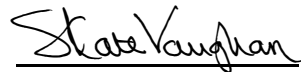
This is a federal habeas action filed under 28 U.S.C. § 2254. This matter comes before the Court on Petitioner’s two pending motions for appointment of counsel. Dkts. 8 & 12. The Court, having reviewed the motions and the balance of the record, hereby finds and ORDERS as follows:

(1) There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts. The Court may, however, exercise its discretion to appoint counsel for a financially eligible individual where the “interests of justice so require.” 18 U.S.C. § 3006A.

1 In this case, the record is not yet sufficiently developed for the Court to determine
2 whether an evidentiary hearing will be required, and Petitioner has not demonstrated that the
3 interests of justice are best served by appointment of counsel at this time. Petitioner, moreover,
4 filed a motion to stay these proceedings while he exhausts his state court remedies, Dkt. 6,
5 Respondent does not oppose that motion, Dkt. 11, and, unless Petitioner advises the Court that he
6 no longer seeks a stay, the procedures in this matter may soon be stayed. *See* Dkt. 10 (renoting
7 Motion to Stay and Abey Federal Habeas Proceedings for consideration on March 22, 2024 and
8 providing for Petitioner's filing of a reply to the motion on or before that noting date). For these
9 reasons, Petitioner's motions for appointment of counsel, Dkts. 8 & 12, are DENIED.

10 (2) The Clerk is directed to send copies of this Order to the parties and to the
11 Honorable John H. Chun.

12 Dated this 14th day of March, 2024.

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14 S. KATE VAUGHAN
15 United States Magistrate Judge
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